

The egg noodles were alleged to be misbranded further in that the statement in the labeling, "Made in strict accordance with all U. S. Pure Food Laws," was false and misleading since it was incorrect. They were alleged to be misbranded further in that the name and place of business of the manufacturer, packer, or distributor, required by law to appear on the label were not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

The noodle soup mix was alleged to be misbranded further in that it contained an artificial flavor, and its label did not state that fact.

On December 21, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the labels be destroyed and the products distributed to charitable institutions.

MISCELLANEOUS

1232. Adulteration and misbranding of cookies. U. S. v. 537 Packages and 45 Packages of Cookies. Default decrees of condemnation and destruction. (F. D. C. No. 3188. Sample No. 24285-E.)

This product contained insect fragments and was not labeled as required by law.

On October 14, 1940, the United States attorney for the Eastern District of Pennsylvania filed libels against 582 packages of cookies at Philadelphia, Pa. (consigned by the Hillman-Hyle Cookie Co.), alleging that the article had been shipped in interstate commerce on or about September 18 and 25, 1940, from Baltimore, Md.; and charging that it was adulterated and misbranded. It was labeled in part: "Freihofer's Cookies."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance.

It was alleged to be misbranded in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor.

On November 2, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1233. Misbranding of Cheese Korn Kurls. U. S. v. 14 Cases of Cheese Korn Kurls. Default decree of condemnation and destruction. (F. D. C. No. 2304. Sample No. 36001-E.)

This product was contained in a wax paper bag so loosely packed in a cardboard carton that there was excessive space between the bag and carton in all directions. Without the wax paper bag the product would have occupied less than 50 percent of the space in the carton. Furthermore, the statement of ingredients was inconspicuously placed on the side panel.

On or about July 3, 1940, the United States attorney for the District of Rhode Island filed a libel against 14 cases of Cheese Korn Kurls, alleging that the article had been shipped in interstate commerce on or about January 5, 1940, by Lillie & Rasbach, Inc., from Ilion, N. Y.; and charging that it was misbranded. It was labeled in part: (Carton, main panels) "The New Cheese Snack Korn Kurls."

The article was alleged to be misbranded in that its container was so made, formed, or filled as to be misleading. It was alleged to be misbranded further in that the statement of ingredients required by law to appear on the label was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

On August 27, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1234. Adulteration of popcorn. U. S. v. 89 Bags of Popcorn. Consent decree of condemnation. Product released under bond to be reconditioned. (F. D. C. No. 1810. Sample No. 13630-E.)

This product was in interstate commerce at the time of examination at which time it was found to contain insect-damaged kernels and insect excreta. The outside of the bags also contained cocoons and live larvae.

On April 12, 1940, the United States attorney for the Western Division of Washington filed a libel against 89 bags of popcorn at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about March 30, 1939, by Pop Corn Growers & Distributors, Inc., from Wall Lake, Iowa; and charging that it was adulterated. The article was labeled in part: "Butter Flake Brand * * * Pop Corn."